ROUTING AND TRANSMITTAL SLIP

Date

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. EO/DDA	2W	19 MAY 1983
2. A/DDA		23 MAY 1983
3. D/PA		2 8 MAY 1983
4.		
5.		

Action		File		Note and Return
Approval		For Clearance		Per Conversation
As Requested		For Correction		Prepare Reply
Circulate		For Your Information		See Me
Comment		Investigate		Signature
Coordination		Justify		

REMARKS

ay to D/OS 19 MAY 1983

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
	Phone No.

5041-102

☆ GPO : 1981 O - 341-529 (120)

OPTIONAL FORM 41 (Rev. 7–76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

EXECUTIVE SECRETARIAT
Routing Slip

TO:		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI		✓		
3	EXDIR				
4	D/ICS				
5	DDI				
6	DDA		✓		
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC				
11	IG				
12	Compt				
13	D/EEO				
14	D/Pers				
15	D/OEA				
16	C/PAD/OEA				
17	SA/IA				
18	AO/DCI				
19	C/IPD/OIS				
20					
21					
22					

SUSPENSE _____
Date

Remarks:

(Orig. handcarried to
DCI by GC)

Executive Secretary
5/18/83
Date

3637 (10-81)

STAT

10-1

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

General Counsel

83-0732/4

17 May 1983

Executive Registry
83-1128/5

NOTE FOR: DCI

FROM: Stanley Sporkin

Bill:

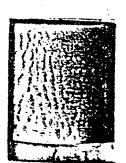This is the information you requested at this morning's meeting.

Stan Sporkin

Attachment

STAT

DCI
EXEC
REG

OGC 83-04042

17 May 1983

MEMORANDUM FOR: General Counsel

FROM: STAT

                         Associate General Counsel

SUBJECT: NSDD-84

    1. The Community effort to implement NSDD-84 (Safe-guarding National Security Information) is proceeding along four separate tracks. The first is an effort to determine the extent to which the regulations of various agencies need to be revised to bring them into compliance with the NSDD and also to gain agreement on standardized nondisclosure agreements with respect to classified information and Sensitive Compartmented Information (SCI).

    2. I am informed by Mr. Ken deGraffenreid, NSC Staff, that the regulations of various agencies are being reviewed by the NSC Staff. In this regard, I might note that CIA's regulations already appear to be in full compliance with the NSDD with one exception. This exception concerns certain classes of people, such as congressmen, judges, liaison officials and the like, who may be exempted from the requirement of signing a nondisclosure agreement. Mr. deGraffenreid has indicated to me that the CIA regulation appears reasonable and does not need to be changed. He said he would provide this opinion in writing and we are awaiting it.

    3. The effort to gain agreement on standardized nondisclosure agreements is proceeding under the leadership of the Information Security Oversight Office (ISOO). At the first inter-agency meeting a number of major concerns were surfaced by State and Defense. The most controversial item appeared to be the requirement that persons with authorized access to SCI must sign a nondisclosure agreement which included a provision for prepublication review to assure deletion of SCI and other classified information. It was argued that requiring prepublication review of anything other than SCI would be an extraordinary burden. Compromise language has been circulated and it is hoped that agreement can be reached at a second inter-agency meeting which is scheduled for Thursday, 19 May.

4. The second major area of activity concerns the requirement that the Office of Personnel Management (OPM) revise existing regulations and policies to permit use of polygraph examinations in the course of investigations of unauthorized disclosures of classified information and also to study federal personnel security programs, to recommend revisions of existing Executive orders, regulations and guidelines.

5. It has been determined that OPM regulations do not prohibit use of the polygraph in leak investigations, but the Merit Systems Protection Board (MSPB) has ruled that refusal to take a polygraph examination cannot be used as the basis for any adverse action. The Department of Justice is studying this MSPB decision to determine its scope and applicability.

6. Mary Lawton, Counsel for Intelligence Policy is working with the Department of Defense and OPM to determine how and whether Executive Order 10450 on Security Requirements for Government Employment should be revised. This effort is at a very early stage and quick results may not be possible.

7. The third area of effort, under the leadership of Bob Sims, the NSC Press Officer, is to develop appropriate policies to govern contacts between media representatives and agency personnel so as to reduce the opportunity for negligent or deliberate disclosures of classified information. The NSC staff does not intend to mandate a uniform policy for all agencies but rather it is encouraging each agency to either review existing policies or, if none exist, to develop such policies. Mr. Sims will then examine each agency's press policy and alert that agency as to any perceived problems with the policy it submitted. I believe CIA regulations in this area are more than adequate.

8. The fourth area relates to investigations of unauthorized disclosures. The NSDD provides that Justice should consult with interested departments and agencies in developing criteria for evaluating and determining which cases should receive investigative priority. Both the Office of Intelligence Policy and the Criminal Division of the Department of Justice are engaged in this effort, and draft guidelines will be prepared in the near future. In this regard, I have had conversations with the Office of Intelligence Policy and the Criminal Division concerning the DCI's letter to the Attorney General dated 24 March 1983. That letter offered the services of the Security Committee and its Unauthorized Disclosures Investigations Subcommittee to provide assistance in recommending

2

which cases involving disclosures of intelligence should
receive investigative priority. The Department of Justice
has not determined whether to accept this offer but an options
paper is being prepared which will address the pros and cons
of this and other approaches.

STAT

3